HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE

WRIT PETITION No.20726 of 1996

Between:

G. Vijaya Bhaskar …Petitioner.

AND

District Collector, Kurnool,

Kurnool District & another. …Respondents.

:: O R D E R ::

Counsel for the Petitioner : Sri P. Ganga Rami Reddy

Counsel for the Respondents : Government Pleader for

Revenue

14th JUNE 2006

This petition has been filed by Sri G. Vijaya Bhaskar for quashing endorsement dated 17-9-1996 made by District Collector, Kurnool (respondent No.1) declaring him ineligible for allotment of government quarter at Kurnool. Another prayer made by the petitioner is that respondent No.1 may be directed to transfer Quarter bearing No.B/B 295 'B' Camp, Kurnool, in his favour by way of allotment.

A perusal of the averments contained in the affidavit of the petitioner shows that while he was employed in government service, the petitioner's father was allotted the quarter in question. He retired from service in the month of March 1992. In October 1994, the petitioner was appointed as Assistant Executive Engineer in

Panchayat Raj Department and was posted in the office of Deputy Executive Engineer (Investigation and Stores Sub-Division, Panchayat Raj), Kurnool. After one year and eight months, he submitted an application to respondent No.1 for allotment of government quarter, which was earlier allotted to his father. Respondent No.1 rejected his request by observing that being an employee of the Panchayat Raj Department, he was not entitled to allotment of government quarter.

The petitioner has questioned the rejection of his claim for allotment of government quarter primarily on the ground of discrimination. In paragraphs 4 and 5 of his affidavit, the petitioner has given details of allotment of government quarters made in favour of Jayarami Reddy, who was working as Chief Executive Officer, Zilla Parishad, and S. Habibullah Sharif, who is employed as Work Inspector in Panchayat Raj Department.

Learned counsel for the petitioner argued that rejection of his client's application for allotment of government quarter should be nullified on the ground of arbitrariness because endorsement dated 17-9-1996 made by respondent No.1 does not contain any reason. He then argued that the impugned action of respondent No.1 should be declared as violative of Article 14 of the Constitution because the petitioner has been discriminated in the matter of allotment of government quarter without any rhyme or reason. Learned counsel pointed out that if Jayarami Reddy and S. Habibullah Sharif could be allotted government quarters despite the fact that they are employed in Panchayat Raj Department, there could be no justification to deny similar treatment to the petitioner.

In the context of the submissions made by him, I asked the learned counsel to show the rules regulating the allotment of government quarters, but he could not invite my attention to any such set of rules. Learned Government Pleader also expressed his inability to assist the Court.

In my opinion, the petitioner cannot claim allotment of government quarter as of right. Allotment of government quarters is governed by a set of rules and in the absence of any provision for allotment of government accommodation to an employee working in Panchayat Raj Department, the impugned endorsement made by the Collector cannot be termed as illegal.

I am further of the view that allotment of quarters to two employees of

Panchayat Raj Department cannot be made basis for granting a declaration that the decision of respondent No.1 is violative of Article 14. The government quarters are meant to be allotted to government servants and not the employees of local bodies or other agencies and instrumentalities of the State. Therefore, the allotment of quarters to Jayarami Reddy and S. Habibullah Sharif appears to be contrary to the policy of the government. Such violation of the policy cannot be made basis for issue of a positive direction in favour of the petitioner because that would amount to directing a public authority to act in violation of the policy of the government.

There is another reason for my disinclination to entertain the petitioner's prayer. As on today, a period of nine years and nine months has elapsed. Therefore, at this belated stage, no useful purpose would be served by directing respondent No.1 to allot government quarter to the petitioner at Kurnool. During the intervening period, the quarter earlier allotted to the petitioner's father might have been allotted to someone else. Therefore, any direction by the Court at this point of time will lead to unnecessary complications.

For the reasons stated above, the writ petition is dismissed.

G.S. SINGHVI, C.J.

14th June, 2006.

ARS / svs